

APPENDIX.

Petitions and Memorials.

(Telegram.)

Tyler Texas, Sept. 2, 1932.
 Senator Archer Parr and Senator
 Walter Woodul, care Senate Cham-
 ber, Austin, Texas.

I am investigating charges of il-
 legal voting in my district. Smith
 County chairman, who for fifty years
 has been assisting in holding Demo-
 cratic primaries, states that fewer
 illegal votes cast in Smith County
 than ever before. Other counties in
 my district making same report.
 Population in East Texas oil field
 district doubled since January first,
 1931. Attorney General Allred
 rightfully held persons otherwise
 qualified to vote who moved into
 Texas from other states after Jan-
 uary first, 1931, and who had legal
 residence in Texas one year and
 county six months before date of
 election were not required to pay
 poll tax and were entitled to vote
 upon making proper proof of resi-
 dence. We are happy to have these
 good people move in and become a
 part of our citizenship and trust
 more will do likewise. Election of-
 ficers, district judge, district attor-
 ney, grand jury and other officials
 are charged and paid for enforcing
 laws against illegal voting. We have
 absolute confidence in our officers in
 Texas enforcing laws against illegal
 voting. Whoever receives the ma-
 jority of legal votes for Governor
 should be declared Democratic nom-
 inee and elected Governor. Proposed
 Senate investigation useless expendi-
 ture of public funds. Print this tele-
 gram in Journal my reason for au-
 thorizing you to pair me as voting
 against proposed resolution to in-
 vestigate charges of illegal votes in
 Democratic primary.

TOMAS G. POLLARD.

Committee on Engrossed Bills.

Committee Room,
 Austin, Texas, Sept. 2, 1932.
 Hon. Edgar E. Witt, President of the
 Senate.

Sir: We, your Committee on En-
 grossed Bills, have had S. B. No. 2
 carefully examined and compared
 and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
 Austin, Texas, Sept. 2, 1932.
 Hon. Edgar E. Witt, President of the
 Senate.

Sir: We, your Committee on En-
 grossed Bills have had S. C. S. for
 S. B. No. 1 carefully examined and
 compared and find the same correct-
 ly engrossed.

Committee Reports.

Committee Room,
 Austin, Texas, Sept. 2, 1932.
 Hon. Edgar E. Witt, President of the
 Senate.

Sir: We, your Committee on Con-
 stitutional Amendments, to whom
 was referred

H. J. R. No. 1, A joint resolution
 "Ratifying an amendment to the
 Constitution of the United States of
 America passed by the Seventy-se-
 cond Congress of the United States
 of America at its First Session,
 begun and held at the city of Wash-
 ington on Monday, the seventh day
 of December, 1931, which amend-
 ment, in substance, provides and
 fixes the commencement of the terms
 of President and Vice-President and
 members of Congress and fixes the
 time of the assembling of Congress,
 and that said amendment shall take
 effect on the 15th day of October
 following its ratification; and pro-
 viding further that this Article shall
 be inoperative unless it shall have
 been ratified as an amendment to the
 Constitution within seven years from
 the date of submission to the states
 by Congress."

Have had the same under con-
 sideration, and I am instructed to
 report it back to the Senate with the
 recommendation that it do pass.

HOLBROOK, Chairman.

SIXTH DAY.

Senate Chamber,
 Austin, Texas,
 September 5, 1932.

The Senate met at 10 o'clock a. m.
 pursuant to adjournment, and was
 called to order by Lieutenant Gov-
 ernor Edgar E. Witt.

The roll was called, a quorum be-
 ing present, the following Senators
 answering to their names:

Beck.
 Berkeley.
 Cousins.

Cunningham.
 DeBerry.
 Gainer.

Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Russek.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.

Absent.

Loy.	Woodward.
Small.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senators Excused.

On motions of Senator Cunningham, Senator Loy was excused indefinitely on account of the illness of his wife.

Senate Simple Resolution No. 4.

The Chair laid before the Senate as the regular order of business the following resolution:

S. R. No. 4, Relating to appointment of a committee to investigate illegal voting.

The resolution and the committee amendments were read.

Committee Amendments Nos. 1 and 2 were adopted.

Committee Amendment No. 3 was adopted by the following vote:

Yeas—21.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	

Nays—5.

Cousins.	Parr.
Cunningham.	Woodruff.
Greer.	

Absent.

Loy.	Woodul.
Oneal.	Woodward.
Small.	

Senator Purl, author of Committee Amendment No. 4, asked unanimous consent to withdraw the amendment.

The Chair held that this amendment had been adopted by the Committee and could not be disposed of except by action of the Senate.

At Ease.

By unanimous consent, the Senate, at 10:27 o'clock a. m., stood at ease for five minutes to permit the preparation of an amendment to Committee Amendment No. 4.

Messages From the House.

Hall of the House of Representatives, Austin, Texas, Sept. 5, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 3, Requesting the Governor to submit appropriations of State Government and salaries of its employees.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, Sept. 5, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 21, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5, of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the

latter being H. B. No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, S. B. No. 22, and furthermore amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the county of Reagan, and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act to repeal Chapter 80 of the General and Special Laws of the State of Texas, enacted in 1931, and declaring an emergency."

H. B. No. 22, A bill to be entitled "An Act providing for a closed season in Glasscock County upon quail, doves and pheasants, for a period of three (3) years, and declaring an emergency."

(With engrossed rider.)

H. B. No. 26, A bill to be entitled "An Act to prohibit the use of steel traps or any other mechanical device for the taking of fur-bearing animals in this State; providing a penalty and declaring an emergency."

(With engrossed rider.)

H. B. No. 29, A bill to be entitled "An Act making it lawful to hunt wild deer with one dog in the counties of San Jacinto, Polk and Trinity, Texas, during the open season of each year for a period of five (5) years, and declaring an emergency."

(With engrossed rider.)

H. B. No. 34, A bill to be entitled "An Act repealing S. B. No. 56, Chapter 78, page 242, of the General and Special Laws passed at the Fifth Called Session of the Forty-first Legislature of the State of Texas, 1930."

(With engrossed rider.)

H. B. No. 35, A bill to be entitled "An Act regulating the taking of certain fur-bearing animals or their pelts for barter or sale in certain counties, and declaring them to be the property of the State; prescribing penalty for violation, and declaring an emergency."

(With engrossed rider.)

H. B. No. 38, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the counties of Jasper

and Newton, State of Texas, for a period of three years from and after the passage of this Act; providing a penalty therefor, and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act providing for the open season on squirrels in Jasper and Newton Counties; providing a penalty, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 5, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 45, A bill to be entitled "An Act providing for an open season on squirrels in Polk and Trinity counties; providing penalty, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Simple Resolution No. 4.

Senator Moore sent up the following substitute for Committee Amendment No. 4 to S. R. No. 4:

Amend S. R. No. 4 by adding a new paragraph as follows: "The committee is also directed to inquire into and ascertain whether employees of the State Government have been coerced or required or requested to make contribution of money to defray campaign expenses of any candidate or candidates for State office."

MOORE.

The substitute was read and adopted.

The amendment as substituted was adopted.

Senator Moore sent up the following amendments:

Amend S. R. No. 4, Page 1, line 44, by adding between the words "employees" and "as" the words "exclusive of attorneys."

MOORE.

Read and adopted.

Amend S. R. No. 4, Page 2, line 4, by striking out the words "Party Primary."

MOORE.

Read and adopted.

Amend S. R. No. 4, line 16, by inserting after the word "Governor" the words "and other candidates for State office."

MOORE,
HOPKINS.

Read and adopted.

Senator Pollard sent up the following amendment:

Amend S. R. No. 4 by adding "Be it further resolved that all election officials now charged with the duty of preserving ballot boxes, affidavits of votes, and other information be and they are hereby instructed to preserve said ballots and affidavits, and only deliver them to the duly authorized representatives of said committee.

POLLARD.

The amendment was read and adopted.

Senator Pollard sent up the following amendment:

Amend S. R. No. 4 by adding: "Be it further resolved that said committee be and it is hereby fully authorized and empowered to investigate any and all expenses or other irregularities that may or might exist during the present contest for election of all officers from constable to President at the General Election in Texas; that all candidates, or their representatives or other organization supporting any such candidate shall report to said committee on Monday of each week until said General Election shall be held, the amount of money collected and expended for any one candidate or group of candidates."

POLLARD.

The amendment was read and adopted.

Senator Parr sent up the following amendment:

Amend S. R. No. 4 by adding a new paragraph to read as follows: "Be it further resolved that this committee be directed to have the ballot box from each voting precinct, where fraud is charged, brought into the Senate Chamber and be opened and counted in the presence

of those members of the Senate present."

PARR,	HOPKINS,
HORNSBY,	CUNNINGHAM,
PARRISH,	MARTIN,
PATTON,	NEAL,
POLLARD,	WILLIAMSON.
RUSSEK,	

The amendment was read.

Recess.

On motion of Senator Purl, the Senate, at 11:56 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Resolutions Signed.

The Chair. Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 1.
S. C. R. No. 3.
S. C. R. No. 4.

Senate Simple Resolution No. 4.

The question recurred upon the pending amendment to S. R. No. 4.

At Ease.

On motion of Senator Woodul, the Senate stood at ease temporarily to permit completion of a committee hearing.

House Bills Referred.

H. B. No. 34, referred to Committee on State Affairs.
H. B. No. 28, referred to Committee on State Affairs.
H. B. No. 38, referred to Committee on State Affairs.
H. B. No. 39, referred to Committee on State Affairs.
H. B. No. 26, referred to Committee on State Affairs.
H. B. No. 29, referred to Committee on State Affairs.
H. B. No. 35, referred to Committee on State Affairs.
H. B. No. 22, referred to Committee on State Affairs.

H. B. No. 21, referred to Committee on State Affairs.

H. B. No. 45, referred to Committee on State Affairs.

Senate Simple Resolution No. 4.

The question recurred on the pending amendment to S. R. No. 4. The amendment was lost by the following vote:

Yeas—9.

Cunningham.	Martin.
DeBerry.	Neal.
Gainer.	Pollard.
Hopkins.	Russek.
Hornsby.	

Nays—14.

Berkeley.	Purl.
Greer.	Rawlings.
Hardin.	Stevenson.
Holbrook.	Thomason.
Moore.	Williamson.
Oneal.	Woodruff.
Poage.	Woodul.

Absent—Excused.

Loy.	Small.
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(Pairs Recorded.)

Senator Parr (present) who would vote yea, with Senator Woodward (absent) who would vote nay.

Senator Parrish (present) who would vote yea, with Senator Beck (absent) who would vote nay.

Senator Patton (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

Senator Greer sent up the following amendment:

Amend S. R. No. 4 by adding a new paragraph to read as follows: "Provided that this committee shall not organize and that the hearings of this committee shall not begin until the adjournment of the present Called Session of the Forty-second Legislature."

GREER.

The amendment was read and adopted by the following vote:

Yeas—13.

Cunningham.	Neal.
DeBerry.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Hopkins.	Rawlings.
Hornsby.	Russek.
Martin.	

Nays—12.

Berkeley.	Purl.
Cousins.	Stevenson.
Gainer.	Thomason.
Holbrook.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.

Absent—Excused.

Loy.	Small.
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(Pairs Recorded.)

Senator Parr (present) who would vote yea, with Senator Woodward (absent) who would vote nay.

Senator Parrish (present) who would vote yea, with Senator Beck (absent) who would vote nay.

Senator Pollard sent up the following amendment:

Amend by adding: "Providing further that in all counties where illegal votes are found that the Executive Committee of said county or counties be instructed to certify results of county races based on the total legal vote of said county and that only candidates be certified as nominees who received a majority of the legal votes in said county or counties."

POLLARD.

The amendment was read.

Senator Purl raised the point of order that the amendment was not germane and was unconstitutional.

The Chair, Lieutenant Governor Edgar E. Witt, held that he could not pass on the constitutionality of the question.

On motion of Senator Purl, the amendment was tabled.

Senator Russek moved to reconsider the vote by which the amendment was tabled. The motion was lost by the following vote:

Yeas—8.

Cunningham.	Parr.
Hopkins.	Patton.
Martin.	Pollard.
Neal.	Russek.

Nays—19.

Berkeley.	Hornsby.
Cousins.	Moore.
DeBerry.	Oneal.
Gainer.	Parrish.
Greer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.

Stevenson.
Thomason.
Williamson.

Woodruff.
Woodul.

Absent—Excused.

Beck.
Loy.

Small.
Woodward.

Senator Parrish sent up the following amendment:

Amend Senate Simple Resolution No. 4 by adding a new paragraph as follows:

"It is herein provided that said committee shall not begin its work until after the State Democratic Executive Committee has canvassed the returns of the recent primary and has declared the Democratic nominees for various offices."

PARRISH.

The amendment was read.

Senator Hopkins raised the point of order that an amendment previously adopted had set the time for the beginning of the work of the committee and that this amendment should have been offered as an amendment to or substitute for the previous amendment.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order on the ground that he could not take judicial notice of the date of adjournment of the Legislature, the date provided for by the previous amendment, and that this further amendment would be in order, inasmuch as the Legislature might adjourn tomorrow or before the time set by the present amendment.

Senator Purl raised the point of order that the amendment was out of order because it was vague and indefinite.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

The amendment was adopted by the following vote:

Yeas—13.

Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Hopkins.	Pollard.
Hornsby.	Rawlings.
Martin.	Woodruff.
Neal.	

Nays—12.

Beck.	Gainer.
Berkeley.	Greer.

Hardin.
Holbrook.
Moore.
Oneal.

Purl.
Stevenson.
Thomason.
Williamson.

Absent—Excused.

Loy.

Small.

(Pairs Recorded.)

Senator Parr (present) who would vote yea, with Senator Woodward (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Russek (absent) who would vote yea.

Senator Martin sent up the following amendment:

Amend Senate Resolution No. 4 by adding after the last paragraph on page 2, the following:

"Provided, however, that the said committee shall not have the power to open and unseal any ballot box of any precinct in any county in the State unless and until some person interested in the said primary election shall have prepared and filed with the committee a statement in writing alleging irregularities in the said box or boxes further alleging that there were cast and counted in the said box certain illegal votes, and stating in whose favor the said votes were counted, and further alleging that the results of said election in that particular box or general results of the State election would have been different had the said ballots not been cast and counted as alleged, and the said committee shall not have the right to punish for contempt any person who refuses to take the oath as required by the said committee, or to give evidence with reference to any alleged irregularities in any voting box in the said primary election unless and until there has been filed pleadings or statement in writing by some person interested in the results of said election a complete statement alleging or stating the fact, or facts, which it is desired that the said witness shall testify about, and which the said witness shall be required to testify about"

MARTIN.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed by the following vote:

Yeas—19.

Beck.	Poage.
Berkeley.	Pollard.
Cousins.	Purl.
DeBerry.	Rawlings.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Woodruff.
Moore.	Woodul.
Oneal.	

Nays—9.

Cunningham.	Parr.
Hopkins.	Parrish.
Hornsby.	Patton.
Martin.	Russek.
Neal.	

Absent—Excused.

Loy.	Woodward.
Small.	

Senator Martin sent up the following amendment:

Amend S. R. No. 4, by adding after the words "County Clerk," same being the last words on page 1, the following:

"Provided, however, that any evidence, information, rumors, or facts of any kind whatsoever that may be discovered, found, learned of, or heard of by the said committee acting as such, shall not be used by any person in anywise contesting the election for Governor, whether he be contestant or contestee; and the said facts, evidence, information or rumors that may be found by the said committee shall not be admissible in the trial of any law suit wherein any contest of the primary election of August, 1932, or the nomination to any office by the democratic primary of 1932 is had."

MARTIN.

The amendment was read and lost by the following vote:

Yeas—7.

Hopkins.	Patton.
Martin.	Poage.
Neal.	Russek.
Parr.	

Nays—19.

Berkeley.	Hardin.
Cousins.	Holbrook.
DeBerry.	Hornsby.
Gainer.	Moore.
Greer.	Oneal.

Parrish.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Stevenson.	

Absent—Excused.

Loy.	Woodward.
Small.	

(Pair Recorded.)

Senator Beck (present), who would vote nay with Senator Cunningham (absent), who would vote yea.

Senator Hopkins sent up the following amendment:

Amend S. R. No. 4 by inserting in Line 35 between the words "shall" and "have" the word "not" and by striking out all of Line 37 after the word "elections" and striking out all of Lines 38, 39, 40, 41 and 42.

HOPKINS.

The amendment was read.

Senator Moore sent up the following amendment to the amendment:

Amend pending amendment by adding at the end thereof the following:

"except upon order of a district judge of competent jurisdiction as now provided by law."

MOORE,
PURL.

Read and adopted.

The amendment as amended was adopted.

Senator Hopkins sent up the following amendment:

Amend S. R. No. 4 by adding after the word "election" in line 29, page 1, a new sentence to read as follows:

"And said committee shall also enquire, and is hereby specifically instructed to enquire, in all of said counties where any investigation of irregular voting may be had, whether or not any State ranger or any other State officer has heretofore opened or attempted to open, or has tampered with or attempted to tamper with any ballot box used in the said primary election, and in the event any such act by any such ranger or other State officer is so discovered, then said committee shall immediately certify such finding to the county and district attorneys of such county in which such irregularity occurred

with the request that prompt action, looking to the prosecution of such offending persons, be instituted in such county."

HOPKINS.

The amendment was read and adopted.

Senator Pollard sent up the following substitute for the resolution as amended:

Whereas, fraud and irregularities have been charged in the recent Democratic Primaries, and it is the desire of the Senate of Texas to protect the purity of the ballot and perpetuate the principles of honesty in government,

Now, therefore, be it Resolved, That the county executive committees of each of the counties of Texas recount and investigate each and every vote in their respective counties in Texas cast at the last Democratic Primary on or before Saturday, September 17, 1932, and report any irregularities or fraudulent charges to the district courts, district attorneys and grand juries of their respective counties for prosecution.

POLLARD.

The substitute was read.

Senator Woodruff moved to table the resolution. The motion prevailed by the following vote:

Yeas—16.

Berkeley.	Parrish.
Cousins.	Purl.
Gainer.	Rawlings.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.

Nays—10.

DeBerry.	Parr.
Greer.	Patton.
Hopkins.	Poage.
Martin.	Pollard.
Neal.	Russek.

Absent.

Beck.	Cunningham.
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Absent—Excused.

Loy.	Woodward.
Small.	

Senator Hopkins sent up the following written point of order:

I raise the point of order that the pending resolution is out of order and cannot be considered by the Senate at this time, for the following reasons:

First: Such resolution provides for the performance of judicial duties by a committee of the Legislature, towit, the investigation of a primary election to ascertain the result, to ascertain whether fraud was committed, or whether other criminal statutes were violated, and is therefore violative of the provisions of Art. V, Sec. 8 of the Constitution of Texas, vesting jurisdiction over election contests in the district court, and is violative of Art. II, of the Constitution of Texas, which separates the powers of the government of the State of Texas into three distinct departments.

Second: If said resolution does not deal entirely with judicial matters and does not confer purely judicial functions on the committee, then it deals with a legislative subject not submitted to the consideration of this special session of the Legislature in the proclamation of the Governor calling such session, and is violative of Sec. 40, of Art. III of the Constitution of Texas.

HOPKINS.

Adjournment.

On motion of Senator Moore, the Senate, at 5:45 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Telegrams.)

Sherman Texas, Sept. 5, 1932.
Hon. Bob Barker, Secretary Senate,
Austin, Texas.

Please mark me absent on account illness of my wife and put this in the Journal.

JAKE J. LOY.

Committee on Enrolled Bills.

Committee Room.

Austin, Texas, Sept. 5, 1932.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 3

carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Sept. 3, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 4 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Sept. 3, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 4, A bill to be entitled "An Act declaring a State policy of payment for the use of roads used as part of the State Highway System; providing that the State shall pay in behalf of counties and/or road districts, certain maturity of certain bonds; declaring that such payments shall not be for the benefit of bondholders and that the State does not assume any bonds; providing the method of determination of the amounts expended by counties and/or road districts and the method of paying such amounts; providing certain duties of certain officers; defining 'bonds'; defining 'construction'; defining 'roads'; providing penalty, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the the attached committee substitute do pass in lieu thereof.

RAWLINGS, Vice-Chairman.

Committee Room,

Austin, Texas, Sept. 1, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Financial Affairs, to whom was referred

S. B. No. 11, A bill to be entitled "An Act providing relief for the West Columbia Independent School District, Brazoria County, Texas, in order to aid said school district in rebuilding its property and equipment destroyed by the great hurri-

cane which swept over the district on August 13, 1932; making an appropriation to said district for said purpose and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HARDIN, Vice-Chairman.

By Holbrook, Patton. S. B. No. 11.

A BILL

To Be Entitled

An Act providing relief for the West Columbia Independent School District, Brazoria County, Texas, in order to aid said school district in rebuilding its property and equipment destroyed by the great hurricane which swept over the district on August 13, 1932; making an appropriation to said district for said purpose and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That by reason of the destruction by the great hurricane which swept over the West Columbia Independent School District in Brazoria County, Texas, on August 13, 1932, destroying many lives, crippling and permanently injuring a great number of its people and wiping out hundreds of thousands of dollars worth of property and the result of decrease in worth of property values, the inability of the tax payers to pay their taxes and the destruction of school property and equipment by reason of said hurricane; by reason of which great public calamity, there is hereby appropriated to West Columbia Independent School District of Brazoria County, Texas, the total sum of Seventeen Thousand (\$17,000.00) Dollars to be used as follows: For the purpose of rebuilding and repairing and equipping the public school building at West Columbia in Brazoria County, Texas, in said district.

Sec. 2. Said moneys shall not be paid except on warrants of Comptroller on sworn accounts as needed as the construction progresses and the equipment is bought.

Sec. 3. Said appropriation is made for the purpose of relieving said West Columbia Independent School District, and the amounts

allotted herein are made on estimates; and, if any part of the appropriation may be needed for any other purpose in rehabilitating and repairing public school buildings in said district, it may be used by the officers of said district, where, if needed, not to exceed the total amount of said appropriation.

Sec. 4. The fact that hundreds of thousands of dollars worth of property was destroyed besides a great number of lives of its people; besides crippling many citizens for life, and causing consternation among the residents of said school district, and the inability of the people to restore said school property and equipment to its former state of usefulness by reason of said hurricane in said school district, creates an emergency and imperative necessity that the Constitutional rule requiring bills to be read on three separate days be suspended, and such rule is hereby suspended and this Act shall take immediate effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 1, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Financial Affairs, to whom was referred

S. B. No. 12, A bill to be entitled "An Act providing for the relief of Brazoria Independent School District of Brazoria County, Texas, in order to aid the school district in rebuilding and repairing its schools destroyed by the hurricane which covered the territory in which this district is located on August 13, 1932; making an appropriation to said district for said purposes and declaring an emergency".

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HARDIN, Vice-Chairman.

By Holbrook, Patton. S. B. No. 12.

A BILL

To Be Entitled

An Act providing for the relief of Brazoria Independent School District of Brazoria County, Texas, in order to aid the school district in rebuilding and repairing its

schools destroyed by the hurricane which covered the territory in which this district is located on August 13, 1932; making an appropriation to said district for said purposes and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That by reason of the destruction by a hurricane of wide intensity and great force which swept over Brazoria and adjoining counties on August 13, 1932, causing the death of 47 people and crippling hundreds of others and obliterating and destroying completely more than a million dollars worth of property in Brazoria County, Texas, and the result of decrease of property values, the inability of the tax payer to pay their taxes and the destruction of school property and equipment by reason of said hurricane; by reason of which great public calamity, there is hereby appropriated to said Brazoria Independent School District of Brazoria County, Texas, which territory includes approximately 45 square miles, the total sum of Twenty-five Thousand (\$25,000.00) Dollars to be used as follows: (a) For the purpose of rebuilding the school building which was completely destroyed and used for the housing of white school children in the district in the town of Brazoria the sum of Eighteen Thousand (\$18,000) Dollars. (b) For the purpose of repairing the damages to the negro school building in said school district located in the town of Brazoria so as to make said building safe and in a usable condition, the sum of Seven Thousand (\$7,000) Dollars.

Sec. 2. Said moneys shall not be paid except on warrant of the Comptroller on sworn accounts as needed and as the construction progresses, and equipment is bought.

Sec. 3. Said appropriation is made for the purpose of relief of said school district, and its amounts allotted are made from estimates, and if any part of the appropriation is needed for another purpose, the same may be used by the officers of the said district, where and if needed, to place the schools of said district in such repair as to make them usable and not to exceed the total amount of this general appropriation.

Sec. 4. The fact that hundreds

of thousands of dollars worth of property belonging to the citizens of this independent school district was absolutely destroyed and obliterated by the great hurricane which swept over this region on August 13, 1932, causing untold suffering and consternation among the people of this school district, and inability of said people to restore their school property and equipment so as to place it in such repair as will enable them to conduct their schools during the session which is soon to begin for the ensuing year creates an emergency and an imperative public necessity, that the constitutional ruling requiring bills to be read on three separate days be suspended, and this Act shall take effect immediately from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 5, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 16, A bill to be entitled "An Act to enable water control and improvement districts operating under Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature, and amendments thereof, having gravity systems of irrigation and income from sale of water for generation of hydro-electric power under written contract covering a term of thirty-nine or more years, to create a self-liquidating fund for the purpose of liquidating bonds of such district and paying interest thereon and fiscal agency fees therefor, by allocating and appropriating such power income for such purpose; also, to authorize such districts to assess and collect annually against lands made irrigable by gravity, whether actually irrigated or not, special assessments of not to exceed five dollars per acre, for the purpose of supplementing such self-liquidating fund for liquidation of bonds and paying interest thereon; prescribing procedure of adopting the provisions of this Act and the method of assessing and collecting the special assessments herein authorized; providing that the district shall have a lien upon all land assessed to secure payment of all special assessments levied hereunder, also a lien on crops

grown thereon, and providing that the owner of such land shall be personally liable for all such assessments, and providing for interest at rate of ten per cent per annum on such assessments from date due until paid and for ten per cent additional as attorneys fees if suit is filed to collect same; repealing acts and parts of acts in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HORNSBY, Chairman.

By Berkeley.

S. B. No. 16.

A BILL To Be Entitled

An Act to enable water control and improvement districts operating under Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature, and amendments thereof, having gravity systems of irrigation and income from sale of water for generation of hydro-electric power under written contract covering a term of thirty-nine or more years, to create a self-liquidating fund for the purpose of liquidating bonds of such districts and paying interest thereon and fiscal agency fees therefor, by allocating and appropriating such power income for such purpose; also, to authorize such districts to assess and collect annually against lands made irrigable by gravity, whether actually irrigated or not, special assessments of not to exceed five dollars per acre, for the purpose of supplementing such self-liquidating fund for liquidation of bonds and paying interest thereon; prescribing procedure of adopting the provisions of this Act and the method of assessing and collecting the special assessment herein authorized; providing that the district shall have a lien upon all land assessed to secure payment of all special assessments levied hereunder, also a lien on crops grown thereon, and providing that the owner of such land shall be personally liable for all such assessments, and providing for interest at rate of ten per cent per annum on such assessments from date due until paid and for ten per cent additional as attor-

neys fees if suit is filed to collect same; repealing acts and parts of acts in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any water control and improvement district operating under the provisions of Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature, and Amendments thereof, having a gravity system for irrigation of its lands, and an established income from the sale of water for generation of hydro-electric power under a written contract covering a term of thirty-nine or more years, such contract having been executed and recorded in the records of the county wherein the district is situated prior to the passage of this Act, as may be shown by a certificate of the county clerk of such county, to the end of making its project or projects self-supporting and self-sustaining, shall be authorized to set aside and definitely and permanently allocate and appropriate all such power income to be received during the full term of such contract for the creation of a self-liquidating fund to be used for the sole purpose of liquidating its outstanding bonded indebtedness, including all bonds authorized by vote of the qualified property tax-paying electors of the district, but unissued at time of passage of this Act, by providing for the payment of all interest to accrue thereon and for the redemption of the principal thereof at maturity.

Sec. 2. The Board of Directors of any such district as is described in Section 1 hereof desiring to avail itself of the provisions of this Act, shall at any regular meeting, or at any special meeting called therefor, by an order and resolution regularly made and adopted and entered upon its minutes, by a majority vote of all of the directors elected, declare and provide that all such power revenue as shall thereafter be received by such district shall be permanently and irrevocably pledged and appropriated to the payment of the principal of, interest on and fiscal agency fees for all of the bonds of such district outstanding at the time of the passage of this Act, and such bonds as shall have then been authorized by vote of the qualified property tax-paying electors of the

district but not then issued, provided, however, that the application of such power revenue to the liquidation of such unissued bonds shall not become effective until as much as two-thirds, or more, of such bonds have been issued, sold and delivered; upon the happening of which event the total power revenue thereafter received by such district during the full term of such contract shall become applicable to and be used solely for the payment of principal of, interest on and fiscal agency fees for all the then outstanding bonds of such district and the principal of, interest on and fiscal agency fees for all of such bonds of the district as were authorized but unissued at the time of passage of this Act, which shall thereafter be issued, sold and delivered; all of which said power revenue shall thereupon become permanently and irrevocably pledged and appropriated to the purposes and payments herein before mentioned as long as said revenue shall be necessary therefor, and it shall be unlawful to apply or use the same for any other purpose whatsoever.

Sec. 3. In carrying out the provisions of this Act, the Board of Directors of such districts subject to the provisions hereof shall cause to be set up and established by its depository or depositories a fund to be known as the "Self-liquidating Power Revenue Fund," and from and after the passage and adoption of the order and resolution referred to in Section 1 hereof all such power revenue thereafter received by such district shall be credited to such fund and shall be used for no purposes other than herein provided in Section 2 hereof.

Sec. 4. For the purpose of supplementing and augmenting such self-liquidating fund referred to in the preceding section, to the end of providing additional income with which to liquidate and pay off the bonds of said district as they mature and to pay the interest thereon as it accrues, such districts as are described in Section 1 hereof shall be authorized to hereafter annually levy, assess and collect against all lands within the district which have been and/or will be enhanced and improved by reason of the improvements made and to be made and which will be benefited thereby by

being made irrigable by gravity, without reference as to whether such land is to be actually irrigated or not, a special assessment of not more than Five Dollars per acre, in the following manner: The Board of Directors of such district, upon being presented with a petition in writing signed by a majority in number of all of the land owners within said district whose lands are to be affected thereby, shall adopt a resolution declaring that in their judgment it is advisable and for the best interest of such district, and will be a benefit to the lands and property included in said district and affected thereby, to levy and collect annually the special assessment hereinabove referred to. Such resolution shall be entered in the minutes, and notice of its adoption shall be given by publication in a newspaper having general circulation in the County in which such district is situated. Such notice shall be published once a week for two consecutive weeks; the first publication must appear not less than ten (10) full days prior to the time set down for the hearing. Such notice shall state the time and place of hearing and shall set out the resolution in full. It shall notify all interested persons to appear and offer testimony for or against the proposal contained in the resolution. If, upon such hearing, the Board of Directors finds that it would be advisable and for the best interest of the district, and would be a benefit to the lands and property situated in said district and affected thereby then, and in that event, such Board shall enter its order so finding, and said district shall thereupon be authorized to levy and assess and collect annually thereafter a special assessment against all of the lands within such district as are or to be made irrigable by gravity, without reference as to whether such land is to be actually irrigated or not. If the Board finds that it is not for the best interest of the district and it would not be a benefit to the lands and property situated therein and affected thereby, said Board shall so find and enter its order against the levy and collection of such special assessment. The findings of said Board of Directors shall be final and not subject to appeal or review.

Sec. 5. In complying with the Special Assessment provisions of this

Act, the Board of Directors of any such district as is described in Section 1 hereof, which has adopted and entered the order referred to in Section 4 providing for such assessments, shall thereupon cause to be set up and established by its depository or depositories a fund to be known as the "Self-liquidating Special Assessment Fund," and from and after the adoption of such order all moneys received from such special assessments shall be credited to such fund and shall be used primarily for the payment of all bonds maturing in such year for which the assessment is levied together with all bond interest accruing in such year, and the balance, if any, may be disbursed as hereinafter provided.

Sec. 6. Such special assessment, when so made and adopted by the order of the Board hereinbefore mentioned, shall remain in force, effect and operation until such time as the bonds of the district and all interest thereon have been fully paid off and discharged, or until such time as, in the opinion and judgment of the Board of Directors of such district, such assessment is not necessary as an adjunct of said "Self-liquidating Power Revenue Fund" in supplementing and augmenting such fund, for the purpose of liquidating such bonds as they mature and paying the interest thereon as it accrues. The amount of such assessment shall, however, be determined and fixed annually by said Board of Directors in such a sum, within the limits prescribed in Section 4 hereof, as such Board shall in its judgment find to be necessary to supply a fund which, together with the estimated power revenue fund, will be sufficient to pay all bond maturities for the year for which the assessment is made, together with all bond interest requirements accruing in such year, taking into consideration a proper allowance for delinquencies.

Sec. 7. All special assessments hereunder shall be applicable and referable to the calendar year and shall be fixed and assessed in January of each year, or as soon thereafter as possible, except the first assessment hereunder, which shall be determined and fixed at the time of the hearing at which the original assessment order is made and entered, which first assessment, or amount thereof then fixed, shall be

referable and applicable to the following succeeding calendar year.

Sec. 8. In making payments of bond indebtedness requirements under the provisions of this Act the "Self-liquidating Power Revenue Fund" shall first be resorted to and exhausted before resort to the "Self-liquidating Special Assessment Fund" for payments authorized to be made thereunder. In the event that at the end of any year the said "Self-liquidating Special Assessment Fund" should, after there first having been applied all payments authorized to be made from said "Self-liquidating Power Revenue Fund," be more than sufficient to meet the payment of all bonds maturing in such current year and all bond interest accruing in such year, the balance of such "Self-liquidating Special Assessment Fund" remaining on hand or on deposit at the close of any such current calendar year may, in the discretion of the Board of Directors of such district, be used for the payment of expense incurred, if any, in collecting such assessments, for paying the cost of additional necessary construction, or for any other lawful purpose. And in the event the assessments are not sufficient to pay the balance maturing in such year together with all interest due thereon accruing in such year, the balance required shall be assessed pro-rata, in accordance with the assessments previously made for the then current year, and shall be paid under the same conditions and penalties within thirty (30) days from the time such assessment is made. Public notice of all such assessments shall be given by posting printed notices thereof in at least three public places in the district and printed or written notices shall be mailed to each land-owner affected thereby, provided that such land-owner shall furnish to the Secretary of the District his correct post office address. Such notices shall be given by posting and mailing such notices at least ten (10) days before the assessment is due, and in the event of supplemental assessments such notices shall be given within ten (10) days after such assessments are levied.

Sec. 9. All special assessments levied under the provisions of this Act shall be collected under the direction of the Board of Directors by

the Assessor and Collector of the District, or other person designated by the Board, which said officer shall give bond in such sum as the Board may direct, conditioned upon the faithful performance of his duties and a true accounting of all moneys collected. He shall give a true account of all money collected and deposit the same as collected in the District depository, and shall file with the Secretary of the Board of Directors a true statement of all money collected once each week. The collector shall use duplicate receipt books and shall give a true receipt for each collection made, retaining in such books a true copy thereof, which shall be preserved as a record of the District.

Sec. 10. The District shall have a lien upon all lands assessed under the provisions of this Act to secure payment of all special assessments levied hereunder. The District shall also have a lien upon all crops of whatsoever kind grown upon each tract of land assessed hereunder, to secure payment of the assessments herein provided for, and all such assessments shall bear interest from the time due and payable at the rate of 10% per annum. And if such assessments should be collected by suit, an additional amount of 10% on the unpaid principal and interest shall be added to the same as attorney's fees. Suits for delinquent special assessments shall be brought either in the County in which the district is situated or in the county where the defendant resides. All land owners affected hereby shall be personally liable for all the assessments herein provided for and if they shall fail or refuse to pay same when due, the water supply shall be cut off, and no water shall be furnished to the land until all assessments due and interest thereon, if any, are fully paid. This provision with reference to cutting off water shall bind all parties, persons and corporations owning or thereafter acquiring any interest in said lands. The directors of such districts shall within ten (10) days after any assessment is due, post at a public place in said district a list of all delinquents and shall thereafter keep posted a correct list of all such delinquents. All assessments shall be paid in installments

at such times to be fixed by order of the Board.

Sec. 11. All acts and parts of acts in conflict herewith shall be and the same are hereby repealed. It is provided further that in case any section or clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 12. The present depressed financial condition of the country making it practically impossible to now market improvement district bonds or securities of any character through the ordinary channels; the fact that the present laws are inadequate to authorize districts similarly affected to secure proper financing for much needed construction work that will afford employment to large numbers of unemployed who are facing grave danger of destitution and distress during the approaching winter; and the urgent necessity of immediate enactment of this Act for the purpose of affording relief, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
September 6, 1932.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Pollard.
Loy.	Purl.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.

Absent—Excused.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Bills and Resolutions.

By Senator Small:

S. B. No. 19, A bill to be entitled "An Act repealing Section 16 of Chapter 73 of the Special Laws passed by the Thirty-sixth Legislature at its Third Called Session, the same being an Act creating the Spearman Independent School District in Hansford County, said Section 16 relating to the beginning of the fiscal year in connection with the levying, assessing and collection of taxes; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 20, A bill to be entitled "An Act providing for relief of Needville Independent School District of Fort Bend County in order to aid the school district in rebuilding and repairing its school destroyed by the hurricane which covered the territory in which this district is located on August 13, 1932; making an appropriation to said district for said purposes, and declaring an emergency."

Read and referred to Committee on Finance.

Motion to Print Editorial.

Senator Parr sent up an editorial from the September 6 issue of the Dallas News entitled "Why Contest?"

The editorial was read.